

JUL 21 2009

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

BARBARA T. DONALD,

Plaintiff,

v.

BWX TECHNOLOGIES, INC.,

Defendant.

CIVIL No. 6:09CV00028

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on the Motion to Dismiss (docket no. 5) filed by Defendant Babcock & Wilcox Nuclear Operations Group, Inc. ("B&W"). For the reasons set forth in the accompanying Memorandum Opinion:

1. B&W's Motion to Dismiss Count I is **GRANTED**. Count I is **DISMISSED** **WITHOUT PREJUDICE** to Donald's ability to amend her Complaint within **twenty (20) days** of the date of entry of this Order.

2. B&W's Motion to Dismiss Count III is **GRANTED**, with prejudice. Count III is accordingly **DISMISSED**.

It is so **ORDERED**.

The Clerk of the Court is hereby directed to send a certified copy of this Order and the accompanying Memorandum Opinion to all counsel of record.

Entered this 21st day of July, 2009.

Norman K. Moon
NORMAN K. MOON
UNITED STATES DISTRICT JUDGE